

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned ☐ U.S.
 OTHER MINOR OFFENSE MO ☐ 8510 vs.
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence
 FELONY Fel ☒ 1085/4 8-16-76 (LAST, FIRST, MIDDLE)

BORTH, MICHAEL VINCENT (Bond) (21)
 4108 E. 36th Pl.
 Tulsa 74135 742-1196

Case Filed
 Mo. Day
 06 25
 No. of Def's
 * 1

76-CR-90 - 1

Yr. Docket No. Def.

U.S. TITLE/SECTION **SUPPL. 1-11-77.** OFFENSES CHARGED

ORIGINAL COUNTS

18: 656 embezzling bank funds 1
 (\$5,000 and/or 5 yrs. each) 2

Surety:
 David L. Hamilton
 Peerless Ins. Co.
 624 S. Denver
 Tulsa 74119

Ct 2 dismissed 7-12-76

U.S. MAG.
CASE NO.

BAIL • RELEASE

AMT ☐ Fugitive
 Denied ☐ Set ☐ Pers. Recog.
 \$ 2 000 ☐ PSA

Date 6-25-76 ☒ Surety Bond/C
☐ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL
U.S. Custody Began 6-30-76	High Risk Date 6-25-76	7-2-76	Trial Set For 7-19-76
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea "	Voir Dire <input type="checkbox"/>
First Appearance	In Charging District	Final Plea 7-12-76	Trial Began <input type="checkbox"/>
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL	Trial Ended <input type="checkbox"/>

SENTENCE
SUPPL. 1-11-77
 8-16-76

Disposition of Charges
☒ Convicted ☐ On All Charges
☐ Acquitted ☒ On Lesser * Offense(s)
☒ Dismissed: ☐ WOP: ☐ WP
☒ On Government's Motion

Ct. 2 dismiss. 7-12-76

MAGISTRATE		OUTCOME:
Search Warrant	Issued Return	<input type="checkbox"/> DISMISSED
Summons	Issued Served	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued	PRELIMINARY EXAMINATION OR REMOVAL HEARING	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
COMPLAINT	DATE INITIAL/NO.	
OFFENSE (In Complaint)	INITIAL APPEARANCE DATE PRELIMINARY EXAMINATION OR REMOVAL HEARING Date Scheduled Date Held Tape Number	
	WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/>	
	INTERVENING INDICTMENT	

U.S. Attorney or Asst.

ATTORNEYS

Defense ☒ CJA. ☐ Ret. ☐ Waived. ☐ Self. ☐ None / Other. ☐ PD. ☐ CD

Nathan G. Graham

Tom Mason
 Denver Bldg.
 Tulsa 74103

582-5181

* Show last names and suffix numbers of other defendants on same indictment/information.

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
6-25-76		Record vote of grand jury, filed in open court. rm	
6-25		Indictment, filed in open court. rm	2 6-25-76 M
6-25		Warrant for arrest of def. issued. rm	
6-28		AO Form 257, filed. rm	
6-30		Magistrate's papers, filed, including information sheet, financial affid. & apptmt of counsel. hm	
6-30		Appearance bond in the amt. of \$2,000 surety, filed. hm	
6-30		Order specifying methods and conditions of release, filed. hm	
6-30		MO: Case set for arr. & plea 7-2-76 at 9:30 a.m.; deft. given 10 days to file any & all motions; govt. 5 days thereafter to respond. (HDC-J)hm (notice mailed)	
6-30		Warrant for Arrest, ret. & filed: arrested Borth at Tulsa, Ok. on 6-30-76; released on \$2000 bond. g	2 6-30-76 M 6
7-2		Case called for arr. & plea. Deft. present & rep.; govt. rep. Deft. acknowledges receipt of indictment, is arraigned & enters plea of NOT GUILTY as to Cts. 1&2. Deft. heretofore given until 7-10-76 to file motions; govt. 5 days thereafter to respond. Case set	

DATE	BORTH 76-CR-90 (DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
				Interval Section II (a)	Start Date End Date (b)	Ltr Code (c)	Total Days (d)
		for jury trial 7-19-76 at 9:30 a.m. Court states in the event of a change of plea, he will not enter- tain any govt's mo/dismiss any Counts made after July 14, 1976. (HDC-J)hm					
7-6-76	MO:	Case set for PT hearing 7-12-76 at 2:00 p.m. (HDC-J)hm					
7-12		Case called for PT hearing. Deft. present & represented. Govt. represented. Deft. withdraws plea of Not Guilty and enters plea of GUILTY as to Ct. 1. Jury waived; jury waiver signed & filed in open court. Indictment read. Deft. advised of possible sentence under YCA. Deft. sworn. Deft. adjudged GUILTY as charged in Ct. 1. Upon govt's motion Ct. 2 is dismissed. Sentence set 8-20-76 at 9:30 a.m. Deft. allowed to remain on present bond. Order on dismissal of Ct. 2 to be pre- pared. (HDC-J)hm					
7-12		Order for dismissal of Ct. 2, filed and entered. (HDC-J)hm					
8-6	MO:	Case reset for sentence 8-16-76 at 9:00 a.m. (HDC-J)hm (notice mailed)					
8-16		Case called for sentence. Deft. present & rep.; govt. rep. Deft. & counsel asked if they care to say any- thing before sentence is pronounced. Judgment and Sentence - MICHAEL VINCENT BORTH (21) Imp. of sent. is hereby suspended & deft. placed on prob. for a period of Three (3) Years from this date, under the FYCA, purs. to T.18, U.S.C., Sec. 5010(a). In addition to the general conditions of prob., the deft. is ordered to make restitution to those people who have assisted him in making whole the Bank of Okla., to pursue his studies and to keep gainfully employed. (HDC-J)hm					
8-16		Judgment and order of probation, filed and entered. (HDC-J)hm					
8-16		Two c/c/of J&O of P delivered to Prob. office. hm					
9-23	Appl. & ORDER	for issuance of probation violater's warrant of arrest, fld. (HDC-J)v					
9-23	Bench Warrant	issued. v					
9-24	MO:	Case set for revocation of probation hearing 9-29-76 at 9:30 a.m. (HDC-J)hm (notice mailed)					
9-27	Petition for WHCAP,	filed. Writ issued. ph					
9-28	Order,	filed, granting Writ of HCAP, filed. (HDC-J)ph cpy to US Atty.					
9-29		Case called for revocation of probation proceedings. Deft. present & rep.; govt. rep. Oral report made by probation officer. Deft. & counsel waive evidentiary					

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244)B. NARA Exam-
ination (28
U.S.C. 2902)C. State or Federal
trials on other
charges.D. Interlocutory
Appeals.E. Hearings on
pretrial motions.F. Transfers from
other districts
(per F.R.C.P.
Rules 20, 21
& 40).G. Defendant Mo-
tion is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h) (1) (G).H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Deporta-
tion,
Extradition.I. Prosecution de-
ferred by
mutual agree-
ment.M. Unavailability
of defendant
or essential
witness.N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.O. Period of
NARA Com-
mitment or
Treatment.P. Superseding
indictment
and/or new
charges.R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.T. Continuances
Granted per
3161(h) (8)
(i.e. ends of
justice or com-
plexity of case
outweighs def-
endants
interests).U. Time between
guilty plea and
plea with-
drawal.W. Grand jury in-
dictment ex-
tended per
3161 (b).

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
	hearing. Court orders probation revoked. Deft. counsel requests continuance of sentence for 30 days. Govt. offers no objection. Sentence deferred until 10-1-76 at 11:30 a.m. Deft. remanded to cust. of U.S. Marshal. (HDC-J)hm				
9-30-76	W/Arrest of Probationer, ret. & filed: deft. arrested 9-29-76. g				
10-1	Case called for sentence. Deft. present & rep.; govt. rep. Deft. & counsel asked if they care to say anything before sentence is pronounced. Judgment & Sentence - MICHAEL VINCENT BORTH (21) Ct. 1 - Atty. Gen. - Max. period of Five (5) Years, for a study as described in T. 18, U.S.C., Sec. 4205(d), the results of such study to be furnished this Court within three months, whereupon the sentence of imprisonment herein imposed may be subject to modification in accordance with T. 18, U.S.C., Sec. 4205(c). (HDC-J)hm				
10-1	Judgment and C ommittment, filed and entered. (HDC-J)hm				
10-1	Two c/c of J&C delivered to U.S. Marshal. hm				
10-13	J&C, ret. & filed: deft. delivered to FCI, Seagoville, Tx. on 10-8-76. g				
12-20	MO: Case set for definitive sentence 1-11-76 at 9:00 a.m. (HDC-J)hm (notice mailed)				
1-11-77	Case called for definitive sentence. Deft. present & rep.; govt. rep. Deft. & counsel asked if they care to say anything before sent. is pronounced. It is the finding of the Court that the deft. is the age of 21 years, subject to the YCA, & it is the further finding of the Ct. that the deft. would not derive appropriate benefit from the YCA, & is therefore sentenced under the applicable statute. Judgment and Sentence - MICHAEL VINCENT BORTH (21) Atty. Gen. - Five (5) Years, on the condition that the deft. be confined in a jail-type or treatment institution for a period of Six (6) Months, the exec. of the remainder of the sent. is hereby suspended & the deft. is placed on probation for a period of Four and one-half (4 1/2) years, to commence upon the deft's release from confinement. In addition to the usual conditions of probation, upon release from confinement, the deft. is to continue psychiatric treatment in an effort to correct his personality defect. Deft. remanded to cust. of U.S. Marshal. (HDC-J)hm				
1-11	Judgment and Commitment, filed and entered. (HDC-J)hm				
1-11	Two c/c of J&C delivered to U.S. Marshal & two c/c to prob. office. hm				
1-19	Return on J&C, fld. Executed by delivering Deft. to Tulsa Co. Jail on 1-11-77 and further executed by delivering Deft. to FCI, Seagoville, TX, on 1-13-77. v				

76-CR-90-01

COOK

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
12-15-78	Petition by probation officer to remove special condition of probation, fld. w/ORDER that special condition #2 be removed as condition of probation , and that deft no longer be required to continue psychiatric treatment. (HDC-J)ra				

AO-257
Interval
(per Section II)

Start Date
End Date

Ltr. Code
Total Days